IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

Bail Appl..No. 3789 of 2007()

CRIME NO.140/07 CHALAKKUDY POLICE STATION.

PETITIONERS/1ST AND 2ND ACCUSED

---

1. VILASINI.M., D/O.U.KUNJUNNY NAIR,
   ULLATTIL HOUSE, VALAPPAD P.O., THRISSUR.

2. RAJANI.S.NARAYANAN,
   D/O.K.R.SANKARANARAYANAN, KUMBALAPARAMBIL HOUSE,
   NEAR RLY STATION, CHALAKKUDY WEST, THRISSUR DT.

BY ADV. SRI.KRISHNA PRASAD. S
SRI.SUJITH P.SURENDRAN

RESPONDENTS: COMPLAINANT/STATE

STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
REPRESENTING SUB INSPECTOR OF POLICE,
CHALAKKUDY POLICE STATION, CHALAKUDY.

BY P.P. SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A.NO. 3789 OF 2007

Dated this the 21st day of June, 2007

ORDER

Application for anticipatory bail. The petitioners - two women, are employees of a Company. The crux of the allegations is that between 9/5/06 and 19/5/06, when there was some defect in the computer of the establishment, the petitioners misappropriated a large amount of money. This was detected after the internal audit was conducted in the company and a private complaint was filed raising these allegations. The complaint was referred to the police under Sec.156(3) of the Cr.P.C. and an F.I.R. was registered on 13/3/07. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. Totally false and vexatious allegations have been raised against the petitioners.

In these circumstances, they may be saved of the undeserved trauma of arrest and detention in prison.

3. The learned Public Prosecutor does not seriously oppose the prayer for anticipatory bail. The learned Public Prosecutor only prays that appropriate conditions may be imposed which would facilitate a fair, efficient and expeditious investigation.

4. I am satisfied that the equitable discretion under Sec.438 of the Cr.P.C. can, in these circumstances, be invoked in favour of the petitioners.

5. This petition is, in these circumstances, allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioners shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 28/6/07. They shall be released on regular bail on their executing bonds for Rs.25,000/- each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 4 p.m. on 29/6/07 and 30/6/07 and thereafter they shall make themselves available for interrogation before the

Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if those directions were not issued at all;

(iv) If the petitioners were arrested prior to their surrender on 28/6/07 as directed in clause (i) above, they shall be released on their executing bonds for Rs.25,000/- each without any sureties undertaking to appear before the learned Magistrate on 28/6/07.

Sd/-

(R. BASANT, JUDGE)

Nan/

//true copy//

P.S. to Judge